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19 Cannabiz Supply, North American Distributing, LLC d/b/a Cannabiz  
20 Supply, and Charles J. Fox

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 A&A GLOBAL IMPORTS, INC.,  
15 a California corporation,  
16 Plaintiff,

17 vs.

18 CBJ DISTRIBUTING LLC d/b/a  
19 CANNABIZ SUPPLY, a Nevada limited  
20 liability company; NORTH AMERICAN  
DISTRIBUTING, LLC d/b/a CANNABIZ  
SUPPLY, a Nevada limited liability  
company; and CHARLES J. FOX, an  
individual,

21 Defendants.

22 NORTH AMERICAN  
23 DISTRIBUTING, LLC d/b/a CANNABIZ  
SUPPLY, a Nevada limited liability  
Company,

24 Counterclaimant,

25 vs.

26 A&A GLOBAL IMPORTS, INC.,  
a California corporation,  
27 Counterdefendant.

18 Case Number:  
19 2:22-cv-00576-RFB-DJA

20 **STIPULATION AND [PROPOSED]**  
**ORDER TO STAY AND EXTEND**  
**DISCOVERY PURSUANT TO JUNE 5,**  
**2024 MINUTE ORDER (FIFTH**  
**REQUEST)**

1                   **STIPULATION AND [PROPOSED] ORDER TO STAY AND EXTEND**  
 2                   **DISCOVERY PURSUANT TO JUNE 5, 2024 MINUTE ORDER (FIFTH REQUEST)**

3                   Plaintiff/Counterdefendant A&A GLOBAL IMPORTS, INC. (“Plaintiff”), by and  
 4                   through its counsel of record, the law firms of Blank Rome LLP and Lewis Roca Rothgerber  
 5                   Christie LLP, and Defendants/Counterclaimant CBJ DISTRIBUTING LLC d/b/a  
 6                   CANNABIZ SUPPLY, NORTH AMERICAN DISTRIBUTING, LLC d/b/a CANNABIZ  
 7                   SUPPLY, and CHARLES J. FOX (“Defendants”, collectively with Plaintiff, the “Parties”),  
 8                   by and through their counsel of record, the law firm of Marquis Aurbach and the Law Offices  
 9                   of Philip A. Kantor PC, hereby move pursuant to this Court’s June 5, 2024 Minute Order and  
 10                  stipulate as follows to stay the discovery deadlines in this case for five (5) months as detailed  
 11                  herein, on the basis of earnest settlement discussions:

12                  **A.        COMPLETED DISCOVERY**

13                  As previously reported, the Parties have engaged in considerable discovery, with both  
 14                  Plaintiff and Defendants serving and responding to multiple sets of interrogatories, requests  
 15                  for admission and requests for production. The Parties have conducted multiple meet-and-  
 16                  confer conferences regarding the aforementioned written discovery and have both  
 17                  supplemented their discovery responses multiple times.

18                  **B.        REMAINING DISCOVERY & COST/BURDEN OF REMAINING  
 19                  DISCOVERY**

20                  The Parties are close to completing all necessary discovery. The only remaining items  
 21                  the parties contemplate conducting are depositions and selected written discovery as  
 22                  referenced in correspondence between the parties as of January 26, 2024.

23                  Completing this remaining discovery will entail considerable cost/expense that should  
 24                  otherwise be expended towards the continued possible settlement of the instant matter. With  
 25                  respect to the estimated 4-5 depositions in particular that will need to be taken, said  
 26                  depositions will require out-of-state travel and accommodation for both Plaintiff’s counsel  
 27                  and Plaintiff, as well as significant time and preparation on both sides.

28                  As things currently stand, the Parties have been, and continue to be able to pursue  
 settlement without significant time or resources invested from their attorneys – which has

1 come at a significant savings to both parties. The parties fear that the sudden need to expend  
 2 significant attorney's fees and costs completing the remainder of discovery, and thereafter  
 3 engaging in significant summary judgment motion work, could detract from, and worse,  
 4 reverse, the progress being made in the ongoing settlement discussions.

5 **C. THERE IS GOOD CAUSE TO STAY THE CASE PENDING**  
 6 **SETTLEMENT TALKS**

7 The parties' principals have been in direct negotiations and believe a limited five-  
 8 month standstill of the litigation would greatly benefit their ongoing settlement efforts.  
 9 Accordingly, they have asked their respective counsel to request a standstill of the litigation  
 10 for 5 months.

11 This Court, in *Gibson v. MGM Resorts Int'l*, No. 223CV00140MMDDJA, 2023 WL  
 12 4455726, at \*2 (D. Nev. July 11, 2023), adopted a new framework to determine whether to  
 13 grant a stay of discovery based on an analysis by the Honorable Judge Brenda Weksler in  
 14 *Schrader v. Wynn Las Vegas, LLC*, No. 219CV02159JCMBNW, 2021 WL 4810324, at \*4  
 15 (D. Nev. Oct. 14, 2021). In *Schrader*, the Court articulated that it "may grant motions to  
 16 stay discovery when a dispositive motion is pending if (1) the dispositive motion can be  
 17 decided without further discovery; and (2) good cause exists to stay discovery." *Id.*  
 18 However, "good cause may exist based on other factors unrelated to the merits of the  
 19 dispositive motion." *Id.* For example, "In many cases, the movant seeks a stay of discovery  
 20 to prevent 'undue burden or expense.'" *Id.* (citing Fed. R. Civ. P. 26(c)(1).) The movant  
 21 would need to establish what undue burdens or expense will result absent a stay and any  
 22 party opposing the stay is encouraged to discuss any specific reasons why a stay would be  
 23 harmful or prejudicial. *Id.* Ultimately, the Court's analysis is guided by Rule 1 of the Federal  
 24 Rules of Civil Procedure, where the Court is trying to determine "whether it is more just to  
 25 speed the parties along in discovery and other proceedings while a dispositive motion is  
 26 pending, or whether it is more just to delay or limit discovery and other proceedings to  
 27 accomplish the inexpensive determination of the case." *Id.* (citing *Tradebay, LLC v. eBay,*  
 28 *Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011).)

1       In the present case, the parties' request for a stay is premised on the exact good cause  
 2 articulated by the *Schrader* Court: the parties' desire to avoid "undue burden or expense."  
 3 After the Court's previous grant of extension of discovery (ECF No. 92), the parties'  
 4 principals have engaged in several substantive and meaningful settlement discussions about  
 5 a resolution of this case. As previously represented by Plaintiff's counsel in prior filings,  
 6 Plaintiff has recently undergone a significant and comprehensive change in ownership – one  
 7 that essentially equates to a new party being substituted into the case. This has created an  
 8 enormous logistical challenge in terms of being able to substantively advance the case.  
 9 Moreover, and without delving into the substance of settlement discussions, the recent  
 10 change in Plaintiff's ownership has brought about circumstances that have made settlement  
 11 more of a concrete possibility than before. The ongoing and substantive settlement  
 12 discussions have led the parties to believe that they need some additional time to conduct  
 13 certain due diligence and internal business transitions to complete their settlement talks.<sup>1</sup>  
 14 For this limited purpose, the parties agreed to a five-month standstill of the litigation. This  
 15 extension is being brought in the interest of justice and efficiency, and not for the purposes  
 16 of undue delay.

17       Though of course there is no "dispositive" motion before this Court as referenced in  
 18 *Gibson* and *Schrader*,<sup>2</sup> both of those decisions noted that good cause may exist on factors not  
 19 related to any such motions. *Schrader*, 2021 WL 4810324, at \*4 ("good cause may exist  
 20 based on other factors unrelated to the merits of the dispositive motion"); *Gibson*, 2023 WL  
 21 4455726, at \*3 (good cause may be establish "by other factors not related to the merits of  
 22 the dispositive motion"). Nonetheless, the Parties jointly and respectfully submit that the  
 23 ongoing settlement discussions has the same "dispositive" effect as a dispositive motion

24  
 25       <sup>1</sup> Due to the sensitive and confidential nature of the discussions, the parties have refrained  
 26 from public disclosure of the substance of those discussions in this stipulation. However, if  
 27 the Court would like additional details, the parties will agree to submit such information to  
 28 the Court under seal.

<sup>2</sup> See generally *Gibson v. MGM Resorts Int'l*, No. 223CV00140MMDDJA, 2023 WL 4455726 (D. Nev. July 11, 2023).

1 because the settlement discussions would potentially resolve the entire case. Thus, and  
 2 keeping in mind the second “good cause” factor articulated in *Gibson* and *Schrader*, the  
 3 Parties submit that significant undue burden/expense will arise in the event that the Parties  
 4 must shift their efforts away from the fruitful settlement discussions and to the remainder of  
 5 discovery/summary judgment – with this “burden” being not only in the form of the  
 6 additional attorney’s fees and costs, but also in the potentially forgone possibility to globally  
 7 settle the instant case.

8 Finally, as this request is sought jointly, neither party is asserting any claims of  
 9 prejudice. *Schrader*, 2021 WL 4810324, at \*4. To the contrary, the parties fear that not  
 10 granting a stay and requiring them to expend the substantial time and expense of litigation  
 11 would undermine, if not remove, the possibility of settlement.

12 Ultimately, the parties’ request is in line with the objectives of Rule 1, where the  
 13 parties are seeking to secure the “inexpensive determination” of the case. Fed. R. Civ. P. 1.  
 14 Therefore, the Parties respectfully request this Court exercise its plenary authority to manage  
 15 its own docket and foster the “orderly and expeditious disposition of cases.” *Reberger v.*  
 16 *Dzurenda*, No. 317CV00552RCJCS, 2022 WL 21778508 (D. Nev. Oct. 18, 2022), report  
 17 and recommendation adopted, No. 317CV00552RCJCS, 2022 WL 21778513 (D. Nev.  
 18 Nov. 14, 2022).

#### 19           **D. PROPOSED NEW DISCOVERY SCHEDULE**

20	<u>Current Deadline</u>	<u>New [Proposed] Deadline</u>
21	Close of Discovery	July 1, 2024
22		Discovery stayed until November 4, 2024. Then discovery will re-commence automatically (if settlement not reached beforehand) and end on December 2, 2024
23	Dispositive Motions	August 1, 2024
24		January 2, 2025
25	Pretrial Order	September 3, 2024
26		February 2, 2025, but if dispositive motions are filed, then the date for filing the joint pretrial order shall be suspended until thirty (30) days after decisions on any
27		
28		

		dispositive motions, or upon further order of the Court extending the time period in which to file the joint pretrial order
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4                   **IT IS SO STIPULATED.**

6                   Dated this 14th day of June, 2024

7                   Submitted by:

9                   **MARQUIS AURBACH**

11                  By:/s/Harry L. Arnold

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LLC d/b/a CANNABIZ SUPPLY,  
NORTH AMERICAN  
DISTRIBUTING, LLC d/b/a  
CANNABIZ SUPPLY, and CHARLES  
J. FOX

6                   Dated this 14th day of June, 2024

7                   Approved as to content by:

9                   **LEWIS ROCA ROTHGERBER  
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18                  Attorney(s) for Plaintiff/  
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IMPORTS, INC.

22                   **ORDER**

23                  **IT IS HEREBY ORDERED** that, upon stipulation of counsel and good cause appearing  
24 therefore, the Stipulation to stay and extend the discovery deadlines in this case is hereby  
25 approved.

26                  ///

27                  ///

1 IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the  
2 discovery deadlines shall be amended as follows:

6           2. Last Day to File Dispositive Motions:     January 2, 2025  
7           3. Joint Pretrial Order:                              February 2, 2025, but if dispositive  
8 motions are filed, then the date for filing the joint pretrial order shall be suspended until thirty  
9 (30) days after decisions on any dispositive motions, or upon further order of the Court  
10 extending the time period in which to file the joint pretrial order

## IT IS SO ORDERED

  
UNITED STATES MAGISTRATE JUDGE  
DATED: 6/18/2024

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